REMARKS

The above-captioned patent application has been carefully reviewed in light of the non-final Office Action to which this Amendment is responsive. Claims 90 and 104 have been further amended in an effort by Applicant to distinctly point out and particularly claim the apparatus of this application. To that end, it is believed no new matter has been added.

Claims 90 and 94-106 are pending. The Examiner has rejected all pending claims based on prior art grounds. More particularly, Claims 90, 94, 97 and 103 have been rejected under 35 U.S.C. §103(a) based on the combination of Hanna (U.S. Patent No. 6,450,966) and Roeher (U.S. Patent No. 6,579,241), Claims 95, 96 and 101, 102 have been rejected under 35 U.S.C. §103(a) based on the combination of Hanna, Roeher and Halpern et al. (U.S. Patent No. 5,687,717), Claims 98-100 and 104-106 have been rejected under 35 U.S.C. §103(a) based on the combination of Hanna, Roeher and Weiner et al. (U.S. Patent No. 6,988,989). In addition, Claims 90 and 104 have also been objected to based on informalities. Applicant respectfully requests reconsideration based on the amended claims and the following discussion.

Turning to the prior art rejections and in order to successfully maintain a "*prima facie*" obviousness rejection under the Patent Statute, each and every claimed limitation must be found in or be suggested by the cited prior art. Those limitations that are not found in or are suggested by the cited art must be notoriously well known to one of sufficient (i.e., ordinary) skill in the field of the invention at the time thereof. In addition and in terms of combining references, there must be a motivation found in the prior art as a whole that would enable one of sufficient (i.e., ordinary) skill in the field of the invention to make the purported combination at the time of the invention. To that end, each cited reference must be read in its entirety and not in a piecemeal fashion so as to create impermissible hindsight (i.e., advance knowledge) of the claimed invention.

Roeher describes a dialysis apparatus that includes a blood pressure meter. The apparatus includes a processor that stores a current blood pressure curve, as well as other blood pressure curves relating to a patient. From a statistical analysis, a basic

curve is then developed that is used for blood pressure control of the patient wherein the goal is to understand whether the measurement time interval can be lengthened based on the stability of the curve in relation to the basic curve that has been developed.

More particularly, readings taken after each five minutes are computed, resulting in a blood pressure curve over a particular duration (e.g., 45 minutes). This curve is compared to other similar curves taken of the patient that have been stored. As noted, the overall object of this system is to remove, where possible, a number of readings in order to reduce the overall number of repetitions taken. This usage of "trended" data is entirely and significantly different than that of the present invention. According to amended Claim 90, trended blood pressure readings are compared over a period in order to determine a proper inflation pressure, depending, for example, on whether the patient is hypotensive (having low blood pressure) or hypertensive (having high blood pressure). By understanding the history of the patient through a number of recent stored blood pressure readings, a suitable predetermined inflation pressure can be determined automatically and applied to an inflation assembly of the apparatus. As a result, measurement time is advantageously reduced, but not the intervals between measurements. By determining a suitable inflation pressure based on trended analysis for the patient prior to each measurement through trend analysis, the apparatus is more likely to more accurately and efficiently measure the patient.

Applicant has now amended independent Claim 90 to positively recite the above features wherein trended blood pressure readings are automatically analyzed in order to determine a predetermined inflation pressure for a patient. Support is found in the present specification; see, for example, paragraph [0150], lines 11-14. Therefore, it is believed that no new matter has been added. Neither Hanna nor Roeher, either singly or in combination, include or otherwise suggest these features and therefore cannot sustain an obviousness rejection under the Statute. Reconsideration is respectfully requested. Claims 94, 97 and 103, each being dependent upon amended Claim 90, are believed to be allowable for the same reasons.

It is also respectfully submitted that none of the remaining prior art cited by the Examiner; namely, Halpern or Weiner et al., includes the features noted above relating to amended independent Claim 90. Therefore, it is also believed that the prior art rejections to Claims 95, 96, 98-100, 101 and 102 have also been overcome based on the amendments to Claim 90. Reconsideration is therefore respectfully requested.

With regard to independent Claim 104, the Examiner has further cited Weiner et al in combination with Hanna. Weiner describes a remote monitoring system in which alerts can be set based on nominal ranges. See Weiner at col 28, lines 17-31. A closer review of this portion, however, indicates that a controller is used to analyze vital sign data in order to detect whether the data is within a preset range. Moreover, this portion further indicates that various forms of vital signs data (e.g., blood pressure, pulse oximetry, temperature) may be similarly analyzed. This detection, however, does not indicate any reliance on trended data in order to compute a percentage that defines an acceptable range of parameter valves, such as according to Claim 104. That is to say, Weiner appears to define means for defining alarm limits that are based on ranges of parameters, but does not seem to utilize any previously measured or stored readings; rather this reference seems merely to utilize existing readings and then determining whether the existing reading exceeds or is within a predefined range of values that can be varied based on the patient. Nowhere is there any teaching provided that indicates where the range (e.g., percentage) is set. The settings appear to be set manually by the user and then the controller compares the existing reading to that range that was set by the user. Nowhere is there any description or discussion in which trended readings are used to calculate the percentage that should be used. In this sense, it is believed independent Claim 104 is distinguishable.

Claim 104 has been amended to more clearly define the above-noted features by reciting that previous stored readings are compared against a current blood pressure reading and the alert is sounded when the current reading deviates by said percentage as compared to the previous stored readings of said patient. Support is found for these amendments – see paragraph [0150], lines 4-10 and Fig. 32. Neither of the cited

references to Hanna and/or Roeher teaches nor otherwise suggests these claimed features. Therefore, modification of either Hanna or Roeher would fail to yield the presently claimed invention in that more than alert/alarm systems have been taught herein. To that end, reconsideration is respectfully requested. Claims 105 and 106 are believed to be allowable for the same reasons as Claim 104 since they depend thereupon.

As to the informality objections raised by the Examiner concerning Claims 90 and 104, Applicant has now amended each of these claims in the manner suggested by the Examiner. It is believed these objections have now been overcome and that the claims are now in an allowable condition.

In summary, it is believed the above-captioned application is now in an allowable condition and such allowance is respectfully requested.

Should the Examiner wish to expedite disposition of the above-captioned application, he is invited to contact Applicant's representative at the telephone number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0289, under Order No. 281_382NP from which the undersigned is authorized to draw.

Dated: March 19, 2007

Respectfully submitted,

By Peter J. Bilinski

Peter J. Bilinski
Registration No.: 35,067
MARJAMA & BILINSKI LLP
250 South Clinton Street
Suite 300
Syracuse, New York 13202
(315) 425-9000
Attorney for Applicant
Customer No. 20874